

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF INDEPENDENCE, ACTING THROUGH ITS MUNICIPAL UTILITY, INDEPENDENCE POWER AND LIGHT AND MCIMETRO ACCESS TRANSMISSION SERVICES CORP, FOR POLE ATTACHMENTS. THIS WILL HAVE NO EFFECT ON ANY TAX REVENUES OR GENERAL REVENUES.

WHEREAS, IPL is a municipal utility performing the essential public service of distributing electric power; and,

WHEREAS, IPL is responsible for safeguarding the integrity of its electric system, obtaining fair compensation for the use of its infrastructure through collection of fees and other charges, ensuring compliance with all applicable federal, state and local laws, rules and regulations, ordinances, standards and policies and permitting fair and reasonable access to available capacity on IPL's infrastructure; and,

WHEREAS, MCImetro Access Transmission Services Corp, desires to place certain lines, Attachments and appurtenances on IPL poles, for the limited purpose of providing their services in compliance with any and all local, state or federal laws and regulations; provided that such placement of lines, Attachments and appurtenances does not materially interfere with IPL's purposes and where in the IPL's judgement, safety will not be materially adversely affected; and,

WHEREAS, IPL is willing, when it may lawfully do so, to issue one or more Permits authorizing the placement or installation of Attachments on IPL Poles, provided that IPL may refuse, on a nondiscriminatory basis, to issue a Permit where there is insufficient capacity or for reasons relating to safety, reliability, generally applicable engineering purposes, and/or any other Applicable Standard; and,

The Parties intend that this Agreement shall replace and supersede all previous pole attachment and/or infrastructure use agreements between the Parties upon the Effective Date of this Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Manager of the City of Independence, Missouri, shall be and is hereby authorized and directed to sign and execute this Pole Attachment Agreement between MCImetro Access Transmission Services Corp and the City of Independence, Missouri, for Pole Attachments; a copy of said Pole Attachment agreement is being attached hereto, incorporated by reference thereto, and made a part hereof as though fully set out herein. The City Manager is authorized to negotiate and approve minor amendments to the agreement to accommodate the unique needs and circumstances of individual licensees.

SECTION 2. That the Power & Light Director or his designee is hereby instructed to administer all the Agreement provisions, terms, and billing payments provided in the Agreement authorized by Section 1 of this Ordinance.

SECTION 3. This Agreement shall become effective upon its execution and, if not terminated in

accordance with other provisions of the Agreement, shall continue in effect for a term of ten (10) years and, unless terminated by either Party, shall automatically be renewed for one additional five (5) year term. Either Party may terminate this agreement at the end of the initial term or a successor term by giving written notice of intent to terminate the Agreement at the end the then current term. Such a notice must be given at least one hundred and eighty (180) days prior to the end of the then-current term.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

\_\_\_\_\_  
Presiding Officer of the City Council  
of the City of Independence, Missouri

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED - FORM AND LEGALITY:

\_\_\_\_\_  
City Counselor

REVIEWED BY:

\_\_\_\_\_  
City Manager

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from payment is to be made, sufficient which to meet the obligation incurred.

Source is: P&L Operating Budget

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Director of Finance & Administration  
City of Independence, Missouri